

REMARKS

The following remarks are numbered according to the paragraph number of the Office Action to which it responds to.

1. The claims have been amended to replace the term "content" with the word "fraction". Applicant accepts Examiner's distinction between the two terms. The specification fully supports this amendment as there are numerous references to the definition of an "oil fraction" and a "water fraction". That is the primary objective of the present invention.

With the claims amended to refer to "fraction", Applicant repeats his arguments submitted October 24, 2003. The Flaum reference does not teach methods of determining an oil or water fraction of a fluid emulsion.

2. A certified copy of Priority document 2,342,007 dated March 26, 2001 has been obtained from the Canadian Patent Office and is concurrently being sent to the U.S. Patent and Trademark Office by courier.

CONCLUSION

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

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